General Assembly

Raised Bill No. 6669

January Session, 2005

LCO No. **3445**

03445_____GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT CONCERNING PREVENTION OF ABSENTEE VOTING VIOLATIONS AND GREATER ACCOUNTABILITY FOR ABSENTEE VOTING COMPLIANCE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1   Section 1. Section 9-135 of the general statutes is repealed and the
2   following is substituted in lieu thereof (*Effective July 1, 2005, and*
3   *applicable to elections, primaries and referenda held on or after September 1,*
4   *2005*):

5   (a) Any elector eligible to vote at a primary or an election and any
6   person eligible to vote at a referendum may vote by absentee ballot if
7   he is unable to appear at his polling place during the hours of voting
8   for any of the following reasons: (1) His active service with the armed
9   forces of the United States; (2) his absence from the town of his voting
10   residence during all of the hours of voting; (3) his illness; (4) his
11   physical disability; (5) the tenets of his religion forbid secular activity
12   on the day of the primary, election or referendum; or (6) the required
13   performance of his duties as a primary, election or referendum official
14   at a polling place other than his own during all of the hours of voting

15   at such primary, election or referendum.

16   (b) No person shall misrepresent the eligibility requirements for
17   voting by absentee ballot prescribed in subsection (a) of this section, to
18   any elector or prospective absentee ballot applicant.

19   Sec. 2. Section 9-140 of the general statutes is repealed and the
20   following is substituted in lieu thereof (*Effective July 1, 2005, and*
21   *applicable to elections, primaries and referenda held on or after September 1,*
22   *2005*):

23   (a) Application for an absentee ballot shall be made to the clerk of
24   the municipality in which the applicant is eligible to vote or has
25   applied for such eligibility. Any person who assists another person in
26   the completion of an application shall, in the space provided, sign the
27   application and print or type his name, residence address and
28   telephone number. Such signature shall be made under the penalties of
29   false statement in absentee balloting. The municipal clerk shall not
30   invalidate the application solely because it does not contain the name
31   of a person who assisted the applicant in the completion of the
32   application. The municipal clerk shall not distribute with an absentee
33   ballot application any material which promotes the success or defeat of
34   any candidate or referendum question. The application shall be signed
35   by the applicant under the penalties of false statement in absentee
36   balloting on (1) the form prescribed by the Secretary of the State
37   pursuant to section 9-139a, (2) a form provided by any federal
38   department or agency if applicable pursuant to section 9-153a, or (3)
39   any of the special forms of application prescribed pursuant to section
40   9-150c, 9-153a, 9-153b, 9-153d, 9-153e, 9-153f or 9-158d, if applicable.
41   Any such absentee ballot applicant who is unable to write may cause
42   the application to be completed by an authorized agent who shall, in
43   the spaces provided for the date and signature, write the date and
44   name of the absentee ballot applicant followed by the word "by" and
45   his own signature. If the ballot is to be mailed to the applicant, the
46   applicant shall list the bona fide personal mailing address of the

47   applicant in the appropriate space on the application.

48   (b) A municipal clerk may transmit an application to a person under
49   this subsection by facsimile machine. If a municipal clerk has a
50   facsimile machine, an applicant may return a completed application to
51   the clerk by such a machine, provided the applicant shall also mail the
52   original of the completed application to the clerk, either separately or
53   with the absentee ballot that is issued to the applicant. If the clerk does
54   not receive such original application by the close of the polls on the
55   day of the election, primary or referendum, the absentee ballot shall
56   not be counted.

57   (c) The municipal clerk shall check the name of each absentee ballot
58   applicant against the last-completed registry list and any
59   supplementary registry lists on file in the municipal clerk's office. If the
60   name of such applicant does not appear on any of such lists, the clerk
61   shall send such applicant a notice, in a form prescribed by the
62   Secretary of the State, to the effect that (1) the applicant's name did not
63   appear on the list of electors of the municipality at the time the
64   application was processed, and (2) unless the applicant is admitted or
65   restored as an elector of the municipality by the applicable cutoff dates
66   an absentee ballot will not be mailed to him. Such notice shall not be so
67   mailed if, prior to the mailing of the notice, the registrars provide the
68   clerk with reliable information showing the absentee ballot applicant
69   to be an elector of the municipality.

70   (d) An absentee voting set shall consist of an absentee ballot, inner
71   and outer envelopes for its return, instructions for its use, and if
72   applicable, explanatory texts concerning ballot questions, as provided
73   for in sections 2-30a and 9-369b. No other material shall be included
74   with an absentee voting set issued to an applicant except as provided
75   in sections 9-153e and 9-153f or where necessary to correct an error or
76   omission as provided in section 9-153c.

77   (e) Upon receipt of an application, the municipal clerk shall, unless a
78   notice is mailed to the applicant pursuant to subsection (c) of this

79   section, write the serial number of the outer envelope included in the
80   absentee voting set to be issued to the applicant in the space provided
81   for that purpose on the application form. Sets shall be issued to
82   applicants in consecutive ascending numerical order of the envelope
83   serial numbers, and the clerk shall keep a list of the numbers indicating
84   beside each number the name of the applicant to whom that set was
85   issued. The list shall be preserved as a public record as required by
86   section 9-150b, except that such list shall remain confidential until the
87   Thursday before an election, primary or referendum.

88   (f) Absentee voting sets shall be issued beginning on the thirty-first
89   day before an election and the twenty-first day before a primary or, if
90   such day is a Saturday, Sunday or legal holiday, beginning on the next
91   preceding business day.

92   (g) On the first day of issuance of absentee voting sets the municipal
93   clerk shall mail an absentee voting set to each applicant whose
94   application was received by the clerk prior to that day. When the clerk
95   receives an application during the time period in which absentee
96   voting sets are to be issued he shall mail an absentee voting set to the
97   applicant, within twenty-four hours, unless the applicant submits his
98   application in person at the office of the clerk and asks to be given his
99   absentee voting set immediately, in which case the clerk shall comply
100   with the request. Any absentee voting set to be mailed to an applicant
101   shall be mailed to the bona fide personal mailing address shown on the
102   application. Issuance of absentee voting sets shall also be subject to the
103   provisions of subsection (c) of this section, section 9-150c and section 9-
104   159q, as amended by this act, concerning persons designated to deliver
105   or return ballots in cases involving unforeseen illness or disability and
106   supervised voting at certain health care institutions.

107   (h) No absentee ballot shall be issued on the day of an election or
108   primary, or after the opening of the polls on the day of a referendum,
109   except in cases involving unforeseen illness or disability or presidential
110   or overseas ballots as provided in section 9-150c and sections 9-158a to

111   9-158m, inclusive.

112   (i) The municipal clerk shall file executed applications in
113   alphabetical order according to the applicants' surnames. Such
114   applications shall be preserved as a public record as required by
115   section 9-150b, except that such executed applications shall remain
116   confidential until the Thursday before an election, primary or
117   referendum.

118   (j) No person shall pay or give any compensation to another and no
119   person shall accept any compensation solely for (1) distributing
120   absentee ballot applications obtained from a municipal clerk or the
121   Secretary of the State, or (2) assisting any person in the execution of an
122   absentee ballot.

123   (k) (1) Each candidate and each chairperson of a party or political
124   committee shall register the names and addresses of persons
125   authorized to distribute absentee ballot applications on behalf of such
126   candidate or party or political committee, as the case may be, with the
127   registrars of voters or town clerk by not later than seven days prior to
128   the election, primary or referendum for which the applications are
129   being distributed. The town clerk or registrar of voters, as the case may
130   be, shall provide the candidate or chairperson with a copy of the list of
131   names so filed, with a date stamped to evince receipt. Registration
132   shall be required for any person who distributes five or more absentee
133   ballot applications to persons other than the person's immediate
134   family. Registration shall not be required for any person distributing
135   applications solely to the person's immediate family. As used in this
136   subsection, "immediate family" has the same meaning as provided in
137   subsection (a) of section 9-140b. If such registration is made with the
138   registrars of voters, the registrars shall forthwith transmit the list of
139   names to the town clerk for maintenance as a public record open to
140   public inspection.

141   (2) Any person who distributes absentee ballot applications shall
142   maintain a list of the names and addresses of prospective absentee

143 ballot applicants to whom they distribute such applications, and shall
144 file such list with the town clerk prior to the date of the primary,
145 election or referendum for which the applications were so distributed.
146 Such list shall be confidential until the Thursday prior to the election,
147 primary or referenda, except that it shall be made available to the State
148 Elections Enforcement Commission upon request. A candidate shall be
149 jointly liable for any violation of the provisions of this subdivision by a
150 person authorized to distribute applications on the candidate's behalf
151 and subject to the same penalties as such person.

152 (l) No candidate, party or political committee, or agent of such
153 candidate or committee shall mail unsolicited applications for absentee
154 ballots to any person, unless such mailing includes: (1) A written
155 explanation of the eligibility requirements for voting by absentee ballot
156 as prescribed in subsection (a) of section 9-135, as amended by this act,
157 and (2) a written warning that voting or attempting to vote by absentee
158 ballot without meeting one or more of such eligibility requirements
159 subjects the elector or applicant to potential civil and criminal
160 penalties. As used in this subsection, "agent" has the same meaning as
161 provided in section 9-333a, as amended by this act.

162 Sec. 3. Section 9-140b of the general statutes is amended by adding
163 subsection (f) as follows (*Effective July 1, 2005, and applicable to elections,*
164 *primaries and referenda held on or after September 1, 2005*):

165 (NEW) (f) A candidate shall be jointly liable for any violation of this
166 chapter by any agent of the candidate and any person authorized to
167 distribute applications on the candidate's behalf. Any violation of this
168 chapter by any such agent or person shall subject the candidate to the
169 same penalties as the agent or person. As used in this subsection,
170 "agent" has the same meaning as provided in section 9-333a, as
171 amended by this act.

172 Sec. 4. Section 9-159q of the general statutes is repealed and the
173 following is substituted in lieu thereof (*Effective July 1, 2005, and*
174 *applicable to elections, primaries and referenda held on or after September 1,*

175 *2005*):

176   (a) As used in this section:

177   (1) "Institution" means a veterans' health care facility, residential
178 care home, health care facility for the handicapped, nursing home, rest
179 home, mental health facility, alcohol or drug treatment facility, **[or]** an
180 infirmary operated by an educational institution for the care of its
181 students, faculty and employees <u>or an assisted living facility</u>; and

182   (2) "Designee" means an elector of the same town and political party
183 as the appointing registrar of voters which elector is not an employee
184 of the institution at which supervised voting is conducted.

185   (b) Notwithstanding any provision of the general statutes to the
186 contrary, if less than twenty of the patients in any institution in the
187 state are electors, absentee ballots voted by such electors shall, upon
188 request of either registrar of voters in the town of such electors' voting
189 residence or the administrator of such institution, be voted under the
190 supervision of such registrars of voters or their designees in
191 accordance with the provisions of this section. The registrars of voters
192 of a town other than the town in which an institution is located may
193 refuse a request by the administrator of such institution when, in their
194 written opinion, the registrars agree that such request is unnecessary,
195 in which case this section shall not apply. Such registrars shall inform
196 the administrator and the town clerk of the electors' town of voting
197 residence of their refusal.

198   (c) Except as provided in subsection (e) of this section, such request
199 shall be made in writing and filed with the town clerk and registrars of
200 voters of the town of such electors' voting residence, not more than
201 forty-five days prior to an election or thirty-four days prior to a
202 primary and not later than the seventh day prior to an election or
203 primary. The request shall specify the name and location of the
204 institution and the date and time when the registrars of voters or their
205 designees shall supervise the casting of absentee ballots at the

206 institution. The request shall also specify one or more alternate dates
207 and times when supervised voting may occur. No request shall specify
208 a date or an alternate date for supervised voting which is later than the
209 last business day before the election or primary.

210   (d) The town clerk shall not mail or otherwise deliver an absentee
211 ballot to an applicant who is a patient in any institution if a request for
212 supervision of absentee balloting at that institution has been filed with
213 the clerk during the period set forth in subsection (c) of this section.
214 The clerk shall instead deliver such ballot or ballots to the registrars of
215 voters or their designees who will supervise the voting of such ballots
216 in accordance with this section.

217   (e) Except in the case of a written refusal as provided in subsection
218 (b) of this section, upon receipt of a request for supervision of absentee
219 balloting during the period set forth in subsection (c) of this section,
220 the registrar or registrars of voters who received the request shall
221 inform the registrar or administrator who made the request and the
222 town clerk as to the date and time when such supervision shall occur,
223 which shall be the date and time contained in the request or the
224 alternate date and time contained in the request. If the registrar or
225 registrars fail to select either date, the supervision shall take place on
226 the date and time contained in the request. If a request for supervision
227 of absentee balloting at an institution is filed during the period set
228 forth in subsection (c) of this section and the town clerk receives an
229 application for an absentee ballot from a patient in the institution after
230 the date when supervised balloting occurred, either registrar of voters
231 may request, in writing, to the appropriate town clerk and registrars of
232 voters that the supervision of the voting of absentee ballots at such
233 institution in accordance with this section be repeated, and in such
234 case the registrars or their designees shall supervise absentee balloting
235 at such institution on the date and at the time specified in the
236 subsequent request, which shall be not later than the last business day
237 before the election or primary.

238   (f) On the date when the supervision of absentee balloting at any
239   institution is to occur, the town clerk shall deliver to the registrars or
240   their designees the absentee ballots and envelopes for all applicants
241   who are electors of such clerk's town and patients at such institution.
242   The ballot and envelopes shall be prepared for delivery to the
243   applicant as provided in sections 9-137 to 9-140a, inclusive. The
244   registrars or their designees shall furnish the town clerk a written
245   receipt for such ballots.

246   (g) The registrars or their designees, as the case may be, shall jointly
247   deliver the ballots to the respective applicants at the institution and
248   shall jointly supervise the voting of such ballots. The ballots shall be
249   returned to the registrars or their designees by the electors in the
250   envelopes provided and in accordance with the provisions of sections
251   9-137, 9-139 and 9-140a. If any elector asks for assistance in voting his
252   ballot, two registrars or their designees of different political parties or,
253   for a primary, their designees of different candidates, shall render such
254   assistance as they deem necessary and appropriate to enable such
255   elector to vote his ballot. The registrars or their designees may reject a
256   ballot when (1) the elector declines to vote a ballot, or (2) the registrars
257   or their designees are unable to determine how the elector who has
258   requested their assistance desires to vote the ballot. When the
259   registrars or their designees reject a ballot, they shall mark the serially-
260   numbered outer envelope "rejected" and note the reasons for rejection.
261   Nothing in this section shall limit the right of an elector to vote his
262   ballot in secret.

263   (h) After all ballots have been voted or marked "rejected" in
264   accordance with subsection (g) of this section, the registrars or their
265   designees shall jointly deliver or mail them in the envelopes, which
266   shall be sealed, to the appropriate town clerk, who shall retain them
267   until delivered in accordance with section 9-140c.

268   (i) When an institution is located in a town having a primary, the
269   registrar in that town of the party holding the primary shall appoint

270 for each such institution, one designee of the party-endorsed
271 candidates and one designee of the contestants from the lists, if any,
272 submitted by the party-endorsed candidates and contestants. Such
273 registrar shall notify all party-endorsed candidates and all contestants
274 of their right to submit a list of potential designees under this section.
275 Each party-endorsed candidate and each contestant may submit to
276 such registrar in writing a list of names of potential designees,
277 provided any such list shall be submitted not later than ten days before
278 the primary. If no such lists are submitted within said period, such
279 registrar shall appoint one designee of the party-endorsed candidates
280 and one designee of the contestants. Each designee appointed
281 pursuant to this section shall be sworn to the faithful performance of
282 his duties, and the registrar shall file a certificate of each designation
283 with his town clerk.

284 (j) Any registrar of voters who has filed a request that the absentee
285 balloting at an institution be supervised and any registrar required to
286 conduct a supervision of voting under this section, who neglects to
287 perform any of the duties required of him by this section so as to cause
288 any elector to lose his vote shall be guilty of a class A misdemeanor.
289 Any registrar from the same town as a registrar who has filed such a
290 request may waive his right to participate in the supervision of
291 absentee balloting.

292 (k) Notwithstanding any provision of this section to the contrary, if
293 the spouse or a child of a registrar of voters or a dependent relative
294 residing in the registrar's household is a candidate in the election or
295 primary for which supervised absentee voting is to occur, such
296 registrar shall not supervise such absentee voting but may designate
297 the deputy registrar of voters or an assistant registrar of voters,
298 appointed by the registrar pursuant to section 9-192, to supervise the
299 absentee voting in his place.

300 (l) Notwithstanding any provision of the general statutes, if a town
301 clerk receives twenty or more absentee ballot applications from the

302 same street address in a town, including, but not limited to, an
303 apartment building or complex, absentee ballots voted by the electors
304 submitting such applications may, at the discretion of the registrars of
305 voters of such town, be voted under the supervision of such registrars
306 of voters or their designees in accordance with the same procedures set
307 forth in this section for supervised absentee voting at institutions.

308 Sec. 5. Section 9-333a of the general statutes is amended by adding
309 subdivision (20) as follows (*Effective July 1, 2005*):

310 (NEW) (20) "Agent" means any person authorized to act on behalf of
311 another person.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*July 1, 2005, and applicable to elections, primaries and referenda held on or after September 1, 2005*	9-135
Sec. 2	*July 1, 2005, and applicable to elections, primaries and referenda held on or after September 1, 2005*	9-140
Sec. 3	*July 1, 2005, and applicable to elections, primaries and referenda held on or after September 1, 2005*	9-140b
Sec. 4	*July 1, 2005, and applicable to elections, primaries and referenda held on or after September 1, 2005*	9-159q
Sec. 5	*July 1, 2005*	9-333a

Statement of Purpose:

To impose greater accountability on campaigns to prevent violations of absentee voting laws, and to aid the State Elections Enforcement Commission in detecting violations of such laws.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]